**How to Read a Supreme Court Case**

* The title of each case tells us who the two parties are in a case. The first name is the one who brought the appeal to the Supreme Court. Thus, in Marbury v. Madison, Marbury appealed to the Supreme Court to remedy his problem.
* The citation of a case tells you much pertinent information about a case, including what court wrote the opinion, the year, volume and page number of the decision. For example, Lemon v. Kurtzman has a citation of 403 U.S. 602 (1971). This means that in volume 403 of U.S. Reports on page 602, you will find the text of that case. The Supreme Court has a system of "parallel citation" meaning that there are three different places (sets of books) where you can find the case. The three are U.S. Reports (U.S), Supreme Court Reporter (S.Ct.) and Lawyer's Edition (L.Ed.). The text of the case is exactly the same in all three places.
  + Parallel Citation for Lemon: 403 U.S. 602 (1971), 91 S.Ct. 2105 (1971), 29 L.Ed. 745 (1971)
* Usually, you will find the case followed by all three citations to make it easy for you to find the case no matter what set of books you prefer.

You should try to use the proper form for citation when you are writing your case summaries, just for the practice.

* When you begin reading a case, the first section usually will be about the facts. This will be a short (and sometimes not so short) summary of what happened in the case. Facts are important to judges, so sometimes this section can be quite extensive.
* The next section of the case (and probably the biggest section) will concern the ruling that the Court is making concerning the law. Usually these sections will be labeled to show when different topics are being discussed. In Roberts v. Madigan, for example, you will find sections on the Establishment Clause and on the Free Speech Clause, as well as a section on standing and costs. When you are reading precedents, then, you may be able to read "selectively" in order to find the material relevant to Roberts v. Madigan. That is, if there is a section on standing or procedure or some other aspect of law not at issue in Roberts v. Madigan, you don't need to read it.
* Finally, cases tend to conclude with a short statement as to what happens in the case. The major possibilities:
  + Affirm (the court agrees with the lower court)
  + Reverse (the court disagreed with the lower court and changed the ruling)
  + Reverse and remand (the court disagreed, but is sending it back --remanding it -- to the lower court for further action consistent with the new opinion)
* Important NOTE: When you read Supreme Court Reporter (S.Ct.) cases, you may find that they have many "notes" at the beginning. These are "lawyer cliff notes" and are NOT part of the opinion. These are not usually of much use to you a this level, and you can safely ignore them.
* There are a number of different types of opinons that you may read, including majority opinions, concurring opinions, dissenting opinions, plurality opinions. Be aware of what type you are reading and the precedential value of each one:

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| **majority opinion** | -This is the most important opinion of all the opinions issued because this opinion has a majority of the judges agreeing in both the judgment of the court and the legal reasoning behind the judgment. As such, this type of opinion carries the most weight of precedential authority. Typically only one Justice delivers the "opinion of the court," and the other Justices join in the opinion by signing on. |
| **plurality opinion** | When no one opinion has a majority of the Justices willing to sign on, the Court is fragmented about the legal reasoning and the outcome of the decision. As such, the different points that Justices want to make may be divided among different opinions rendered by the Justices. In essence, the plurality opinion is just the one opinion that has the most number of Justices that were willing to agree to it. It is sometimes called the "judgment of the Court." |
| **concurring opinion** | These opinions are additional opinions written by other Justices because one of the Justices in the majority wants to clarify some or all of the legal reasoning proffered by the majority opinion. The concurring Justice is essentially agreeing with the outcome of the opinion, but may disagree with some of the specific arguments presented by the majority opinion, or the Justice may want to express some reservations about how far the majority opinion goes in establishing the rule of law that is handed down. |
| **concurring in judgment opinion** | When the Justices hear a case, they are not only deciding who will win and who will lose, but they are trying to establish the legal reasoning as to why one outcome is preferred over another. As such, the Justices may agree that one party should win, but they may disagree about why. In these instances, one or more Justices may render a concurring in judgment opinion to clarify why they voted with the majority, but also why they disagree with the legal reasoning behind the majority opinion. These opinions are authored by Justices who are considered "swing votes" because without the one Justice agreeing with the judgment, the other Justices would not have enough votes to render a judgment. These opinions have weight as precedent because the opinion offers alternative legal reasoning that can be used in future cases. |
| **concurring in part and dissenting in part opinion** | These opinions are usually delivered when a Justice agrees with the legal reasoning of the majority opinion, but disagrees about how the legal reasoning applies to the case in terms of deciding who wins and who loses. The Justice may use the exact same legal framework relied upon by the majority opinion, but uses that reasoning to argue that the outcome of the decision (the judgment) should be different. Note that the Justice may only agree in part with the legal reasoning. |
| **dissenting opinion** | These are the losers! The dissenting opinion is issued by the Justices who do not agree with the majority opinion and have decided to write their own opinion about what they believe the outcome and the legal reasoning should be in a particular case. The precedential weight of these cases is very limited because the Court did not agree with the dissent. |
| **per curiam decision** | This is a decision that is unsigned that is usually thought to be less important than opinions that are signed. Often these decisions are made "summarily," that is, without oral argument. |